



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Application of:** Senanayake *et al.*

**Conf. No.:** 2292

**Application No.:** 10/806,415

**Group Art Unit:** 1621

**Filed:** March 23, 2004

**Examiner:** S. Barts

**For:** METHODS OF TREATING OR  
PREVENTING PAIN USING  
SIBUTRAMINE METABOLITES

**Attorney Docket No.:** 4821-535

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Sepracor Inc. is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,710,087 ("the '087 patent") by virtue of an assignment from Chris H. Senanayake, Qun K. Fang, Zhengxu Han, and Dhileepkumar Krishnamurthy to Sepracor Inc.

Sepracor Inc. is also the assignee of the entire right, title and interest in and to the above-identified application by virtue of the same assignment because the '087 patent is a parent of this application.

Sepracor Inc. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the '087 patent, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '087 patent.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of '087 patent in the event that the '087 patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

A fee of \$ 130.00 is believed due under 37 C.F.R. 120(d) for the submission of this terminal disclaimer. Please charge this, and any other required fees, to Jones Day Deposit Account No. 503013. A copy of this sheet is enclosed.

Respectfully submitted,

Date April 11, 2005

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